

STATE'S WITNESS - FLORENCE MACIOCE - (DIRECT)

1 parties present. The jury entered the
2 courtroom and the following
3 proceedings were had.)

4 THE COURT: Be seated, please. Call your next
5 witness.

6 MS. BECKER: Thank you, your Honor. The state
7 would call Florence Macioce.

8 THE COURT: Now, would you raise your right
9 hand, please.

10 (The witness was sworn.)

11 THE WITNESS: I do.

12 THE COURT: Thank you. Ms. Becker.

13 **FLORENCE MACIOCE**

14 **called on behalf of the State, having been first duly**
15 **sworn, testified as follows:**

16 **DIRECT EXAMINATION**

17 BY MS. BECKER:

18 Q Good afternoon, ma'am. Would you please tell the
19 jury who you are?

20 A Florence Macioce.

21 Q Okay. Florence, where did you live in November of
22 2002?

23 A 303 Waterfall Drive, Apartment 812.

24 Q Is that also known as the Waterfall Highrise?

25 A Yes.

STATE'S WITNESS - FLORENCE MACIOCE - (DIRECT)

1 Q How long had you lived at the Waterfall Highrise by
2 that time?

3 A Seven years that time, but I lived there before.

4 Q Did you know someone by the name of Helen Sailor?

5 A Yes.

6 Q Okay. Were you friendly with Helen?

7 A Yes, we talked.

8 Q The reason I want to draw your attention to
9 Thanksgiving evening of 2002, I want to ask you
10 about who you saw that evening. First of all, do
11 you remember where you were during the day?

12 A Yes. I was at home, then I went downstairs in the
13 lobby.

14 Q Okay. Do you recall seeing Charlie Lambert that
15 evening?

16 A Twice, yes.

17 Q How long had you known Charlie Lambert?

18 A Approximately eight years.

19 Q Okay. Did you recognize him by sight?

20 A Yes.

21 Q All right. Where did you see Charlie Lambert that
22 night?

23 A First in the elevator, and then when he came out
24 into the lobby to go out the front door.

25 Q Did you talk to Charlie Lambert at all?

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1 A I said Hi, but he left.

2 Q Okay. So you didn't have a very long conversation.

3 A No.

4 Q All right. Did there also come a time where you
5 saw a person known as Lana Canen at the highrise?

6 A Yes.

7 Q First of all, do you know someone by the name of
8 Lana Canen?

9 A Yes.

10 Q Do you see that person in the courtroom today?

11 A Yes.

12 Q Would you please describe what she is wearing and
13 where she is seated so we all know who you're
14 speaking of?

15 A In this, like, pinkish orangish top, sitting right
16 over there with the long black hair.

17 Q All right. Is she seated off to your left?

18 A Yes.

19 MS. BECKER: Would the record please reflect
20 this witness has identified the defendant, Lana Canen?

21 THE COURT: The record will so reflect.

22 BY MS. BECKER:

23 Q Did you also know a person by the name of Andrew
24 Royer?

25 A Yes.

STATE'S WITNESS - FLORENCE MACIOCE - (DIRECT)

1 Q How do you know Andrew Royer?

2 A He lived in the same building?

3 Q Do you see Andrew Royer in the courtroom today?

4 A Yes. He's right there. He has glasses on and
5 orange shirt with flowers or whatever.

6 Q Is he also off to your left?

7 A Yes, correct.

8 MS. BECKER: Would the record please reflect
9 this witness has identified the defendant, Andrew Royer.

10 THE COURT: The record will so reflect.

11 BY MS. BECKER:

12 Q Now, when you saw the defendant Lana Canen at the
13 Waterfall Highrise, where was she?

14 A On Thanksgiving evening you mean?

15 Q On Thanksgiving evening.

16 A Outside towards the left of the building.

17 Q What did you see Lana Canen doing outside on
18 Thanksgiving evening?

19 A Just pacing.

20 Q Did you actually sit there and watch her?

21 A No. I kind of seen her just walking by back and
22 forth.

23 Q After Charlie Lambert left that evening, did you
24 see Lana Canen any more?

25 A No.

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1 Q Now, Flo, I want to take you a couple weeks later.
2 Were you still living at the highrise at that time?

3 A Yes.

4 Q Did you come into contact with Charlie Lambert
5 again at that time?

6 A It's about approximately four weeks later.

7 Q About four weeks later.

8 A Yes.

9 Q Where were you located when that happened?

10 A I was coming out of the elevator going towards the
11 lobby to go out.

12 Q Okay. Where is the laundry room located?

13 A As soon as you get off the elevator directly ahead.

14 Q Okay. Was it in that general vicinity where you
15 ran into Charlie Lambert?

16 A Yes. They call it -- Charlie was sitting in the
17 laundry room, and there was another resident. They
18 called me into the laundry room. I had a
19 conversation with Charlie.

20 Q Okay. I'm going to ask you about the conversation
21 you had with Charlie. Did Charlie ask you any
22 questions?

23 A After -- after he told me --

24 MR. ZOOK: Objection, your Honor. This is
25 getting into hearsay at this point.

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1 THE COURT: Well, this is a yes or no question
2 at this point. The question was: "Did Charlie ask her
3 any questions. Without saying what the questions were or
4 were not, can you answer that question?

5 THE WITNESS: Yes.

6 THE COURT: Okay. What is your answer to that
7 question?

8 THE WITNESS: Yes.

9 Q What did Charlie ask you?

10 MR. ZOOK: Hearsay.

11 MS. BECKER: May we approach?

12 THE COURT: Sustained.

13 MS. BECKER: May we approach?

14 THE COURT: You may.

15 (An off-the-record discussion was held
16 at the bench.)

17 THE COURT: The objection will be sustained.

18 BY MS. BECKER:

19 Q Ms. Macioce, you indicated that you had a
20 conversation with Charlie Lambert approximately
21 four weeks later.

22 A Yes.

23 Q During that conversation, did you encourage him to
24 do something?

25 A Yes.

STATE'S WITNESS - FLORENCE MACIOCE - (CROSS)

1 Q What did you encourage him to do?

2 A I encouraged him to go down and talk to the police
3 department about what he spoke to me about.

4 Q Okay. I don't have any further questions. Thank
5 you.

6 THE COURT: Mr. Zook.

7 MR. ZOOK: No questions.

8 THE COURT: And Mr. Crawford.

9 **CROSS-EXAMINATION**

10 BY MR. CRAWFORD:

11 Q Ms. Macioce, you had indicated that you had seen
12 Lana Canen outside the apartment complex on
13 November 28, 2002. Isn't that correct?

14 A Correct.

15 Q And she was the only person you'd seen outside the
16 apartment complex on that date in question. Isn't
17 that correct?

18 A Correct.

19 MS. BECKER: No further questions, your Honor.

20 THE COURT: Ms. Becker, any additional
21 question?

22 MS. BECKER: No redirect?

23 THE COURT: Anyone else have any questions for
24 this witness?

25 MR. ZOOK: No, sir.